

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Schools and Libraries)	CC Docket No. 02-6
Universal Service Support Mechanism)	
)	
Request for Review and/or Waiver by)	
Central Unified School District)	Application No. 989415
of a Decision by the)	
Universal Service Administrative Company)	

**REQUEST FOR REVIEW AND/OR WAIVER BY
CENTRAL UNIFIED SCHOOL DISTRICT
OF A DECISION BY THE
UNIVERSAL SERVICE ADMINISTRATIVE COMPANY**

Pursuant to sections 54.719 and 54.722 of the Commission's rules,¹ Central Unified School District² (Central USD or the District) hereby respectfully requests a review of a Universal Service Administrative Company (USAC) decision to deny Schools and Libraries Universal Service (E-rate) funding for Funding Year 2014. Alternatively, Central USD respectfully requests a waiver of the Commission's rules to the extent necessary to grant the requested relief.

On March 23, 2018, USAC finally issued a Funding Commitment Decision Letter for Central USD's FY 2014 application, finding that Central USD's funding requests for data plans and Internet access were duplicative,³ and then subsequently denied Central USD's appeal. As described below, however, the data plans did not carry the traffic to the Internet; instead, they

¹ 47 C.F.R. §§ 54.719, 54.722.

² Billed Entity Number 144078. The FRN is 2699573.

³ Exhibit 1, Funding Commitment Decision Letter.

carried the traffic to the district's data center, like a local area network (LAN) and a wide area network (WAN) would. There, the district ensured compliance with the Children's Internet Protection Act (CIPA). The district then used the 2 Gbps connection to deliver traffic to the Internet. As such, the services requested are not duplicative, and both funding requests should receive funding. In the alternative, Central USD respectfully requests a waiver of the Commission's rules to the extent necessary to grant the requested relief.

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I. BACKGROUND

Central USD is a public school district in Fresno, California. Central USD serves approximately 16,500 students in about 25 schools. Central USD received an 83 percent discount in FY 2014, the funding year at issue in this appeal.

On March 26, 2014, Central USD filed its 2014 application for E-rate funding. Central applied for funding for data plans for netbooks for its students. In addition, Central USD applied for a 2 Gbps circuit that transported traffic from the district's administrative office to the Internet.

At the time of the 2014 filing, Central USD did not have the local infrastructure in place to accommodate the netbooks through internal connections (otherwise called a local area network or LAN) and a wide area network (WAN). Central had not yet been able to afford a local area network using wireless or wired infrastructure. To provide access to the student population for access to the Internet and to filter those communications, the data plans were used to provide connection to the District's data center only, as a combination of internal connections (wired or wi-fi) and WAN fiber circuits would do in other situations. At no time did this traffic go directly to the Internet. Please see the attached Visio drawing that shows the topography.⁴

That is, to ensure the district is CIPA-compliant, the netbooks do not connect to the Internet through the data plans; the traffic is instead directed to the District's office just like any other connected wired or wireless device using a local area network and then a wide area network (WAN) to get the traffic to the Internet access point. The data plans carry traffic from

⁴ Exhibit 2, Central USD Network Topography.

the student in the classroom to the District's firewall, where there is then a connection to the Internet.⁵ The district requested funding for the data plans in FRN 2699573.⁶

Once the traffic arrived at the District's office, it was directed to through the school's router. At that time, the District then used the 2 Gbps circuit to get the traffic to the Internet. FRN 2698999 is for Internet access services to carry the District's traffic from the district to the Internet.⁷ This service was provided by the Fresno County Office of Education, the district's Internet access provider.⁸

On September 5, 2014, USAC asked for information regarding the funding requests for wireless services. Central USD promptly responded with an explanation.⁹ After that, Central USD did not receive any questions from USAC, despite repeatedly asking for the status of its funding requests.¹⁰

Finally, on August 17, 2017—more than three years after the application was filed—Central USD received a notice from USAC's reviewers informing Central that FRN 2699573 for mobile data plans would be denied due to FRN 2698999 for the 2 Gbps circuit providing “services that deliver the same functionality to the same population in the same location during the same period of time.”¹¹

⁵ Exhibit 3, FY 2014 E-rate Application Information Request, Central USD PIA Response, para. 6-8; Exhibit 2.

⁶ Exhibit 4, 471 Application #989415.

⁷ Exhibit 5, 471 Application #989182, FRN 2698999.

⁸ *Id.*

⁹ See, Exhibit 3, FY 2014 E-rate Application Information Request, Central USD PIA Response, para. 6-8.

¹⁰ Exhibit 6, Emails from Fred Brakeman to USAC.

¹¹ Exhibit 3, FY 2014 E-rate Application Information Request, para. 2.

USAC finally denied the application on March 23, 2018.¹² Central USD appealed that decision on May 22, 2018.¹³ On November 9, 2018, USAC denied the appeal.¹⁴ Appeals of USAC decisions are due to the Commission within 60 days.¹⁵ As such, this appeal is timely filed.

II. USAC’S BASIS FOR DENYING FUNDING IS FACTUALLY INCORRECT: THE TWO FUNDING REQUESTS ARE NOT DUPLICATIVE

The two funding requests are not for duplicate services. The Commission’s duplicate services rule provides that funding cannot be for services that are duplicative, that is, “services that deliver the same functionality to the same population during the same period of time.”¹⁶ The two services did not deliver the same functionality. In this case, USAC may be assuming or mistakenly believe that the data plans carried traffic to the Internet. This is incorrect.

As noted above, Central USD’s traffic via the data plans was routed to its District office. There was no wireless infrastructure within the school buildings at the time, so the District used the data plans to transport traffic from the student’s device to the District office. There, District filtering software ensured that the access to the Internet was CIPA-compliant. The traffic destined for the Internet was then transported to the Internet from the District Office to the District Internet Service Provider using the 2 Gbps circuit.

To find that these services are “duplicative” would be the same as saying that data traffic carried over a LAN inside a school building and that then traveled over a WAN between schools

¹² See Exhibit 1.

¹³ Exhibit 7, Central USD’s appeal to USAC.

¹⁴ Exhibit 8, Administrator’s Decision on Appeal.

¹⁵ 47 C.F.R. §§ 54.719(a), 54.720(b).

¹⁶ See *Second Report and Order and Further Notice of Proposed Rulemaking*, FCC 03-101 (2003) at paras. 22-24.

to a central administrative office was duplicative of the circuit that transported the traffic from the central administrative office to the Internet. To the contrary, one service transports the service to a central location (data plans and LAN/WAN) and the other service transports the traffic to the Internet (Internet access). Central USD simply used the data plans in the place of the LAN and WAN services. This network structure is reasonable because the District must filter student access to the Internet under the CIPA requirements.

For a student to use their wireless netbook to get out to the Internet, it takes both services—the data plan to get to the District’s data center and the 2 Gbps service to get from the District data center to the Internet. One does not work without the other and neither overlap.

We note that this funding request is from funding year 2014, in which data plans were fully eligible. It is possible that USAC believes it is now denying funding based on the Commission’s holding in the E-rate *First Modernization Order*. In that Order, which was adopted after Central USD’s request for funding for funding year 2014, the FCC indicated that applicants must demonstrate that data plans are the most cost-effective option to access the Internet.¹⁷ As an initial matter, USAC cannot apply rules adopted for future funding requests to those funding requests already submitted prior to the adoption of the new rules.¹⁸

Moreover, even under the more restrictive standard adopted in the *First Modernization Order*, Central USD’s funding for its data plans would be eligible for funding. The *First Modernization Order* found that funding for individual data plans would not be cost-effective

¹⁷ *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8870 (2014) (*First Modernization Order*).

¹⁸ See *Bowen v. Georgetown Univ. Hosp.*, 488 U.S. 204, 208 (1988) (holding that an “administrative agency’s power to promulgate regulations is limited to the authority delegated by Congress. As a general matter, statutory grants of rulemaking authority will not be understood to encompass the power to promulgate retroactive rules unless that power is conveyed by express terms.”)

when “those users can already access the Internet through internal wireless broadband networks on wireless-enabled devices without the help of stand-alone data plans or air cards.”¹⁹ As described above, Central USD did not have access to the Internet via internal wireless broadband networks. Therefore, Central USD’s data plan funding request was cost-effective even under the Commission’s standard in the *First Modernization Order*.

III. IN THE ALTERNATIVE, A WAIVER OF THE COMMISSION’S RULES IS IN THE PUBLIC INTEREST

As we have explained, Central USD did not apply for duplicative services. Should the Bureau disagree, however, Central USD respectfully requests that the Bureau waive the Commission’s rules to the extent necessary to grant the requested relief.

Any of the Commission’s rules may be waived if good cause is shown.²⁰ The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.²¹ In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.²²

A waiver would further the goals of the E-rate program without undermining the purpose of the Commission’s rules and would thus be in the public interest. As explained above, the funding in question was not duplicative and it was in full compliance with the substantive E-rate rules. Both funding requests were necessary for students in the classroom to access the Internet. Further, taking the data plan traffic to the administrative office for filtering was necessary for the

¹⁹ *First Modernization Order* at para. 152.

²⁰ 47 C.F.R. § 1.3.

²¹ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

²² *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

district to comply with Commission CIPA rules. There was no fraud, no waste, no bad faith, not even negligence on the part of Central USD.

Denying the District \$6.6 million in funding that was eligible—and would be eligible under today’s program rules—is simply arbitrary. In 2014, after the application at issue in this appeal was submitted, the Commission revised its rules on a going-forward basis to set a higher standard for data plans. The new 2014 rule was not applicable to Central USD’s application, as described above, but even if it was, Central USD’s use of data plans met that standard. USAC may believe that Central USD should have used a different type of service, but the service was eligible and was, in fact, the only service that Central could use to get its students access to the Internet.

Central was not able to utilize the Priority 2 funds until the FCC changed the disbursement process to a per pupil basis because they were only an 83% school district. They did apply for Category 2 funds in FY2016. They started upgrading their Wireless LANs at all of their sites which gave them the ability to eliminate the need for the AT&T wireless netbooks.

For these reasons, Central USD respectfully requests that the Bureau waive the Commission’s rules to the extent necessary to grant the requested relief, and direct USAC to process Central USD’s application.

IV. CONCLUSION

For the foregoing reasons, Central USD respectfully requests that the Bureau reverse USAC's decision and direct USAC to process Central USD's application, or in the alternative, waive the Commission's rules to the extent necessary to grant the requested relief.

Respectfully submitted,

/s/ Brittany Mosqueda



Brittany Mosqueda

E-Rate Compliance Manager

Infinity Communications and Consulting

P.O. Box 999

Bakersfield, CA 93302

661-716-1840

E-rate Consultant for Central USD

January 8, 2019

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document will be sent via email to the Schools and Libraries Division, Universal Service Administrative Company at the Appeals@USAC.org address.



Brittany Mosqueda

List of Exhibits

- Exhibit 1 Funding Commitment Decision Letter
- Exhibit 2 Central USD Network Topography
- Exhibit 3 FY 2014 E-rate Application Information Request
- Exhibit 4 471 Application #989415
- Exhibit 5 471 Application #989182, FRN 2698999
- Exhibit 6 Emails from Fred Brakeman to USAC
- Exhibit 7 Central USD's appeal to USAC
- Exhibit 8 Administrator's Decision on Appeal

EXHIBIT 1



Universal Service Administrative Company

Schools and Libraries Division

FUNDING COMMITMENT DECISION LETTER

March 23, 2018

**Raquel Zaragoza
CENTRAL UNIFIED SCHOOL DIST
4909 Calloway Drive Suite 102
Bakersfield, CA 93312**

**Re: FCC Form 471 Application Number: 989415
Billed Entity Number (BEN): 144078
Billed Entity FCC Registration Number (FCC RN): 0014422794
Applicant's Form Identifier: Yr17 Netbooks**

Thank you for your Funding Year 2014 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the FCC Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$6,670,690.08 is "Denied."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Guide to USAC Letter Reports in the Reference Area of our website.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full.
- Review technology planning approval requirements.
- Review Children's Internet Protection Act (CIPA) requirements.
- File FCC Form 486.
- Invoice USAC using the FCC Form 474, Service Provider Invoice (SPI) Form, or FCC Form 472, Billed Entity Applicant Reimbursement (BEAR) Form, - as products and services are being delivered and billed.

TO APPEAL THIS DECISION:

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., FCDL) and the decision you are appealing:
 - Appellant name,
 - Applicant name and service provider name, if different from appellant,
 - Applicant BEN and Service Provider Identification Number (SPIN),
 - FCC Form 471 Application Number 989415 and the Funding Request Number (FRN) or Numbers as assigned by USAC,
 - "Funding Commitment Decision Letter for Funding Year 2014," AND
 - The exact text or the decision that you are appealing.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org or submit your appeal electronically by using the "Submit a Question" feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, please see "Appeals" in the Schools and Libraries section of the USAC website.

OBLIGATION TO PAY NON-DISCOUNT PORTION

Applicants are required to pay the non-discount portion of the cost of the products and/or services to their service provider(s). Service providers are required to bill applicants for the non-discount portion. The FCC stated that requiring applicants to pay their share ensures efficiency and accountability in the program.

If USAC is being billed via the FCC Form 474, the service provider must bill the applicant at the same time it bills USAC. If USAC is being billed via the FCC Form 472, the applicant pays the service provider in full (the non-discount plus discount portion) and then seeks reimbursement from USAC. If you are using a trade-in as part of your non-discount portion, please refer to Disposal or Trade-in of Equipment posted in the Reference Area of our website for more information.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division
Universal Service Administrative Company

FUNDING COMMITMENT REPORT
Billed Entity Name: CENTRAL UNIFIED SCHOOL DIST
BEN: 144078
Funding Year: 2014

Comment on RAL corrections: The applicant did not submit any RAL corrections. FCC Form 471

Application Number: 989415

Funding Request Number: 2699573

Funding Status: Not Funded

Category of Service: Telecommunications Service

FCC Form 470 Application Number: 730890001228989

SPIN: 143025240

Service Provider Name: AT&T Mobility

Contract Number: MTM

Billing Account Number: N/A

Multiple Billing Account Numbers: N

Service Start Date: 07/01/2014

Service End Date: 06/30/2015

Contract Award Date: N/A

Contract Expiration Date: N/A

Shared Worksheet Number: 1728051

Number of Months Recurring Service Provided in Funding Year: 12

Annual Pre-discount Amount for Eligible Recurring Charges: \$8,036,976.00

Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00

Pre-discount Amount: \$8,036,976.00

Discount Percentage Approved by the USAC: 83%

Funding Commitment Decision: \$0.00 - Ineligible Services/Products

Funding Commitment Decision Explanation: DR1: This FRN is denied because the funding request is duplicative of a current year's FRN. You requested cellular data lines on Form 471 application 989415 FRN 2699573. You also requested 2 Gb LAN connection on FCC Form 471 application 989182 FRN 2698999. USAC received and reviewed your response dated August 23, 2017; however, it did not mitigate the duplicate services violation. Program rules prohibit USAC from funding products/services that deliver the same functionality to the same population in the same location during the same period of time.

FCDL Date: 03/23/2018

Wave Number: 109

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2019

Consultant Name: Infinity Communications & Consulting

Consultant Registration Number (CRN): 16043605

Consultant Employer: Infinity Communications & Consulting



Schools and Libraries Division Correspondence Unit
30 Lanidex Plaza West
PO Box 685 Parsippany, NJ 07054-0685

TIME SENSITIVE MATERIAL

Raquel Zaragoza
CENTRAL UNIFIED SCHOOL DIST
4909 Calloway Drive Suite 102
Bakersfield, CA 93312

EXHIBIT 2

Central USD Network Topography

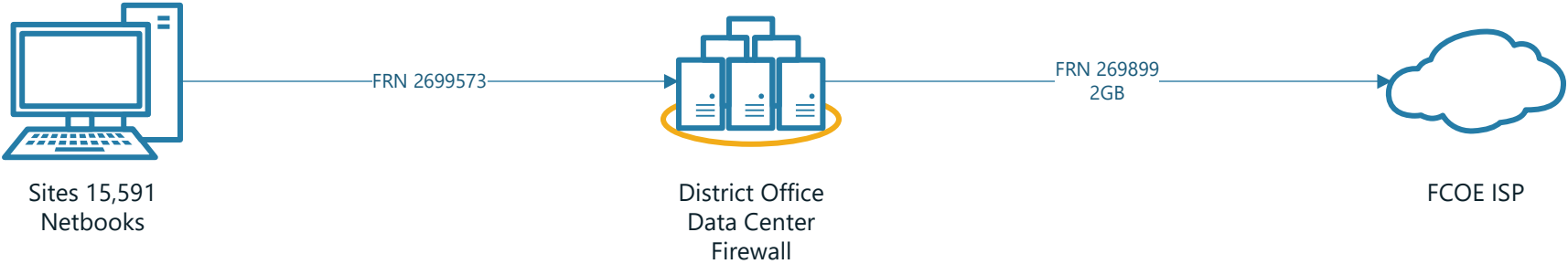


EXHIBIT 3

FY 2014 E-rate Application Information Request

Date: 8/17/2017

Contact Name: Corrina Rodriquez
Applicant Name: CENTRAL UNIFIED SCHOOL DIST
FCC Form 471 Application Number(s): 989415

Dear Applicant:

The Program Integrity Assurance (PIA) team is in the process of reviewing your Funding Year 2014 FCC Form 471 Applications for E-rate discounts.

Issue

We have completed our review of your Funding Year 2014 FCC Form 471 application 989415 and determined that FRN 2699573 will be denied. You requested cellular data lines on Form 471 application 989415 FRN 2699573. You also requested 2 Gb LAN connection on FCC Form 471 application 989182 FRN 2698999. Program rules prohibit USAC from funding products/services that deliver the same functionality to the same population in the same location during the same period of time.

If you do not agree with the review decision

If the entire FRN should not be denied and you have alternative information to support your position, please provide the supporting documentation. If you fail to respond to this email within 7 days, we will perform the action(s) listed above.

Central Unified School District Response: We disagree with the Denial explained above.

At the time of the 2014 filing, Central Unified School District did not have the infrastructure in place to accommodate the Netbooks.

FRN 2699573 is the Mobility netbooks, these netbooks couldn't hook up to the local network, as the District had to use the mobile data plans to get to the District Office. These services stopped at the District Office.

FRN 2698999 is for the all of the other data and networks from the District Office to Fresno County Office of Education ISP.

As advised in our response on 7/20/2016; When these netbooks are turned on, to make sure they are CIPA compliant, they don't connect to the Internet but are redirected to the District office just like any other connected wired device. Then, it gets directed through the school's router and then uses the 2GB data circuit to get out to the ISP. This is NOT a redundant connection in any way. The 2 GB fiber connection

is the last mile in connecting all district owned devices from the school district office out to our ISP. Please see attached Visio drawing that shows the topography.

Thank you for your cooperation and continued support of the Universal Service Program.

Sincerely,

Nancy Rivera
Associate Manager, Cost Effectiveness Review
USAC, Schools and Libraries Division
Phone: 973-581-5055
Fax: 973-599-6520
E-mail: nancy.rivera@sl.universalservice.org

EXHIBIT 4

Schools and Libraries Universal Service Description of Services Ordered and Certification Form 471

Estimated Average Burden Hours per Response: 4 hours

This form is designed to help schools and libraries to list the eligible services they have ordered and estimate the annual charges for them so that the Fund Administrator can set aside sufficient support to reimburse providers for services.

Please read instructions before beginning this application. (You can also file online at www.usac.org/sl.)

The instructions include information on the deadlines for filing this application.

Applicant's Form Identifier (Create an identifier for your own reference) Yr17 Netbooks	Form 471 Application #: 989415 (To be assigned by administrator)
--	--

Block 1: Billed Entity Address and Identifications

1 Name of Billed Entity
CENTRAL UNIFIED SCHOOL DIST

2 Funding Year 2014

3a Entity Number 144078

3b FCC Registration Number 0014422794

4a Street Address, P.O. Box, or Route Number
4605 N POLK AVE

City FRESNO State CA Zip Code 93722-5334

4b Telephone Number

4c Fax Number

5a Type of Application (check only one)

☐ Individual School (individual public or non-public school)

☒ School District (LEA; public or non-public [e.g. diocesan] local district representing multiple schools)

☐ Library (including library system, library outlet/branch or library consortium as defined under LSTA)

☐ Consortium (intermediate service agencies, states, state networks, special consortia of schools and/or libraries)

☐ Statewide application for (enter 2-letter state code)
representing (check all that apply)

☐ All public schools/districts in the state

☐ All non-public schools in the state

☐ All libraries in the state

5b Recipient(s) of Services:

☐ Private ☒ Public ☐ Charter

☐ Tribal ☐ Head Start ☐ State Agency

Entity Number: 144078	Applicant's Form Identifier: Yr17 Netbooks
Contact Person: Raquel Zaragoza	Contact Phone Number:

Block 1: Billed Entity Address and Identifications (continued)

6a Contact Person's Name
Raquel Zaragoza

If the Contact Person's Street Address is the same as **Item 4** above, check here. ☐ If not, complete Item 6b.

6b Street Address, P.O. Box, or Route Number
NOTE: USAC will use this address to mail correspondence about this form.
4909 Calloway Drive Suite 102

City Bakersfield State CA Zip Code 93312-

Check the box next to your preferred mode of contact and provide your contact information. One box **MUST** be checked and an entry provided.

☐ **6c** Telephone Number

☐ **6d** Fax Number

☒ **6e** E-Mail Address
Re-enter E-mail Address

6f Holiday/vacation/summer contact information: please include name of alternate contact (if applicable) and alternate phone, fax or E-mail address

If a consultant is assisting you with your application process, please complete Item 6g below:

6g Consultant Name Infinity Communications & Consulting
Name of Consultant's Employer Infinity Communications & Consulting
Consultant's Street Address P.O. BOX 999

City Bakersfield State CA Zip Code 93302
Consultant's Telephone Number Ext.
Consultant's Fax Number
Consultant's E-mail Address

Blocks 2 and 3 [Reserved]

Entity Number: 144078

Applicant's Form Identifier: Yr17 Netbooks

Contact Person: Raquel Zaragoza

Contact Phone Number:

Block 4: Discount Calculation Worksheet

Worksheet - 1728051

Page 1 of 1

The Block 4 worksheet is used to calculate your discount for services. You will complete one or more worksheets depending on the type of application you are filing. If you file more than one worksheet, please number the completed worksheets to assure that they are all processed correctly. Please refer to the instructions for information specific to the Type of Application you indicated in Block 1, Item 5.

☐ Check here if this worksheet contains all eligible entities in the school district or library system.

9a List entities and calculate discount(s):

(For Administrator's Use)

School District or Library System Name:

School District or Library System Entity Number:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Name of Eligible Entity	Entity Number AND NCES Code (for Schools) or FSCS Code (for Libraries)	Urban or Rural U or R	Total Number of Students	Number of Students Eligible for NSLP	Percent of Students Eligible for NSLP (Col. 5 / Col. 4)	Disc. from Disc. Matrix	New Construction	Admin Entity or NIF	Alt Disc Mech	Weighted Product for Calculating Shared Discount (Col. 4 x Col. 7)	Insert appropriate codes(s): P= pre-K, H = Head Start, A = Adult Education, J = Juvenile Justice, E = ESA, D = Dormitory	Entity Number of School District in which Library Outlet/Branch is Located	Discount of Member Entity	Shared Discount
ALL ENTITIES			SCHOOLS AND LIBRARIES							Schools with shared services	Schools	Library Outlet/Branch	Consortia	
LIDDELL ELEMENTARY SCHOOL	205035 06 07970 07499	U	700	305	43.571%	60	N	N	N	42000				
PERSHING CONTINUATION HIGH SCH	107646 06 09790 07672	U	160	142	88.750%	90	N	N	N	14400				
RIVER BLUFF ELEMENTARY SCHOOL	235373 06 07970 10493	U	872	425	48.739%	60	N	N	N	52320				
POLK ELEMENTARY SCHOOL	16031596	U	863	689	79.838%	90	N	N	N	77670				
PATHWAY COMMUNITY DAY SCHOOL	16057280	U	50	45	90.000%	90	N	N	N	4500				
HARVEST ELEMENTARY SCHOOL	16064794	U	657	447	68.037%	80	N	N	N	52560				
GLACIER POINT SCHOOL	16065659	U	888	799	89.977%	90	N	N	N	79920				
DISTRICT OFFICE	16052080	U	0	0	0.000%	80	N	N	N	0				
MADISON ELEMENTARY SCHOOL	107587 06 07970 09123	U	870	776	89.195%	90	N	N	N	78300				
HOUGHTON-KEARNEY ELEM SCHOOL	107602 06 07970 07669	U	250	188	75.200%	90	N	N	N	22500				
SAROYAN ELEMENTARY SCHOOL	107633 06 07970 03035	U	730	460	63.014%	80	N	N	N	58400				
TEAGUE ELEMENTARY SCHOOL	107636 06 07970 07674	U	863	782	90.614%	90	N	N	N	77670				
MCKINLEY ELEMENTARY SCHOOL	107637 06 09790 09346	U	901	822	91.232%	90	N	N	N	81090				
EL CAPITAN MIDDLE SCHOOL	107638 06 07970 07667	U	647	560	86.553%	90	N	N	N	58230				
STEINBECK ELEMENTARY SCH	107641 06 07970 04485	U	784	715	91.199%	90	N	N	N	70560				
CENTRAL HIGH SCHOOL-E CAMPUS	107642 06 07970 05777	U	4164	3023	72.598%	80	N	N	N	333120				
ROOSEVELT ELEMENTARY SCHOOL	107643 06 07970 07673	U	531	522	98.305%	90	N	N	N	47790				
HERNDON-BARSTOW ELEMENTARY SCH	107644 06 07970 07668	U	586	429	73.208%	80	N	N	N	46880				
BIOLA-PERSHING ELEMENTARY SCH	107645 06 07970 07665	U	266	246	92.481%	90	N	N	N	23940				
RIO VISTA MIDDLE SCHOOL	230793 06 07970 10494	U	809	409	50.556%	80	N	N	N	64720				

9b Shared Services

SCHOOL DISTRICTS: (Including groups of schools within school districts.) Calculate the totals of Columns 4 and 11. Divide the total of Column 11 by the total of Column 4. Enter the result in Column 15.	15591									1286570				83%
LIBRARY SYSTEMS: Calculate the total of Column 7. Divide this total by the number of outlets/branches. Enter the result in Column 15.														
CONSORTIA: Calculate the total of Column 14. Divide this total by the number of member entities. Enter the result in Column 15.														

Entity Number: 144078

Applicant's Form Identifier: Yr17 Netbooks

Contact Person: Raquel Zaragoza

Contact Phone Number:

Block 5: Discount Funding Request(s)

Instructions: Use one Block 5 page for EACH service (Funding Request Number) for which you are requesting discounts. Make as many copies of this page as needed, and number the completed pages to assure that they are all processed correctly.

Block 5, page 1 of 1

FRN 2699573

(to be assigned by administrator)

10 ☐ If this is a duplicate Funding Request (e.g., of an FRN that is not yet approved, under appeal, etc.), check this box and enter the original FRN in the space provided:

11 Category of Service (only ONE category should be checked)

23 Calculations

Recurring A. Monthly charges (total amount per month for service)

PRIORITY 1 <input checked="" type="checkbox"/> Telecommunications Service		PRIORITY 2 <input type="checkbox"/> Internal Connections Other than Basic Maintenance		Charges	\$679,830.00
<input type="checkbox"/> Internet Access		<input type="checkbox"/> Basic Maintenance of Internal Connections			B. How much of the amount in A is ineligible? \$10,082.00
12 Form 470 Application Number 730890001228989				C. Eligible monthly pre-discount amount (A minus B) \$669,748.00	D. Number of months service provided in funding year 12
13 SPIN – Service Provider Identification Number 143025240					E. Annual pre-discount amount for eligible recurring charges (C x D) \$8,036,976.00
14 Service Provider Name AT&T Mobility				Non-Recurring Charges	F. Annual non-recurring charges \$0.00
15a <input checked="" type="checkbox"/> Check this box if this Funding Request is for non-contracted tariffed or month-to-month services.					G. How much of the amount in F is ineligible? \$0.00
15b Contract Number MTM					H. Annual eligible pre-discount amount for non-recurring charges (F minus G) \$0.00
15c <input type="checkbox"/> Check this box if this Funding Request is covered under a master contract (a contract negotiated by a third party, the terms and conditions of which are then made available to an eligible entity that purchases directly from the service provider). 15d <input type="checkbox"/> Check this box if this Funding Request is a continuation of an FRN from a previous funding year based on a multi-year contract. If so, provide that FRN here:					I. Total funding year pre-discount amount (E + H) \$8,036,976.00
16a Billing Account Number (e.g., billed telephone number) N/A				Total Charges	J. Discount from Block 4 Worksheet 83.00
16b <input type="checkbox"/> Check this box if there are multiple Billing Account Numbers and attach a complete list of those numbers to this page.					K. Funding Commitment Request (I x J) \$6,670,690.08
17 Allowable Vendor Selection/Contract Date (mm/dd/yyyy) (based on Form 470 filing) 03/24/2014					
18 Contract Award Date (mm/dd/yyyy) 07/01/2014					
19 Service Start Date (mm/dd/yyyy) 06/30/2015					
20a Service End Date (mm/dd/yyyy) 06/30/2015					
Contract Expiration Date 20b (mm/dd/yyyy)					
21 Description of This Service: NOTE: All Item 21 Attachments must be filed before the close of the filing window. Attachment You MUST attach a description of the service, including a breakdown of components, costs, manufacturer name, make and model number. You must include any additional account or telephone numbers if the billed account has multiple numbers. Label the description with an Attachment Number, and note number in space provided. 1					
22 Entity/Entities Receiving This Service:				a. If the service is site-specific (provided to one site and not shared by others), list the Entity Number of the entity from Block 4 receiving this service: b. If the service is shared by all entities on a Block 4 worksheet, list the worksheet number (e.g., 1): 1728051	

Entity Number: 144078	Applicant's Form Identifier: Yr17 Netbooks
Contact Person: Raquel Zaragoza	Contact Phone Number:

Block 5 (Continued):

24 Description of Broadband and other Connectivity Services Ordered for Schools and Libraries from this funding request

Complete the information below for this funding request only if requesting **Telecommunications Services** or **Internet Access** for the purpose of providing broadband and other types of connectivity to school and/or library facilities.

☐ Check this box if this request is for services or equipment that do **not** provide broadband or connectivity. For instance, check the box if this funding request is for internal connections, basic maintenance, or requests for services like e-mail or phone service.

a Which technology(ies) and speed(s) are being provided in this Funding Request? Please list the number of lines and average download speed for the lines included in this funding request. If there are multiple download speeds for the lines within one type of broadband connection, this form provides two additional lines per broadband connection category. If you need additional space, please make copies of this page and number the completed pages to assure that they are all processed correctly. A response to this Item is not a substitute for a complete response to Item 21 but should be consistent with the description of services in the response to Item 21. Please ask your service provider if you need assistance.

Type of Connection	Number of lines included in this FRN	Download speed per line in Mbps
Cellular Wireless	17000	22

b If the Internet service is available to students or patrons in more than just a single location or office, please indicate:

- If the access is provided by wired connections, approximately what percentage of the school classroom or public library rooms included in the Block 4 worksheet for this FRN will have access to wired drops? 100 %
- If the access is provided by Wi-Fi connections, approximately what percentage of the school classroom or public library rooms included in the Block 4 worksheet for this FRN will have access to a Wi-Fi signal? 100 %

c For consortia and statewide applications, do the connections in this FRN include the last mile connection to the school or library? ☐ Yes ☐ No
If no above, are these connections only for backbone connections? ☐ Yes ☐ No

Entity Number: 144078	Applicant's Form Identifier: Yr17 Netbooks
Contact Person: Raquel Zaragoza	Contact Phone Number:

Block 6: Certifications and Signature

- 25** ☒ I certify that the entities listed in Block 4 of this application are eligible for support because they are: (Check one or both.)
- a** ☒ schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801(18) and (38)**, that do not operate as for-profit businesses and do not have endowments exceeding \$50 million; and/or
- b** ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools, including, but not limited to, elementary, secondary schools, colleges, or universities.
- 26** ☒ I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed on this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

a Total funding year pre-discount amount on this Form 471 (Add the entries from Items 23I on all Block 5 Discount Funding Requests.)	8036976
b Total funding commitment request amount on this Form 471 (Add the entries from Items 23K on all Block 5 Discount Funding Requests.)	6670690.08
c Total applicant non-discount share (Subtract Item 26b from Item 26a.)	1366285.92
d Total budgeted amount allocated to resources not eligible for E-rate support	20250000
e Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources necessary to make effective use of the discounts. (Add Items 26c and 26d.)	21616285.92
f <input type="checkbox"/> Check this box if you are receiving any of the funds in Item 26e directly from a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Item 26e.	

- 27** ☒ I certify that, if required by Commission rules, all of the individual schools and libraries receiving services under this form are covered by technology plans that do or will cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body or an SLD-certified technology plan approver prior to the commencement of service.
- Or ☐ I certify that no technology plan is required by Commission rules.
- 28** ☒ I certify that (if applicable) I posted my Form 470 and (if applicable) made any related RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology plan goals.
- 29** ☒ I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.

- 30 ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. § 254 will be used primarily for educational purposes and will not be sold, resold or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. §§ 54.500, 54.513. Additionally, I certify that the entity or entities listed on this application have not received anything of value or a promise of anything of value, other than services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.
- 31 ☒ I certify that I and the entity(ies) I represent have complied with all program rules, including recordkeeping requirements, and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts covering all of the services listed on this Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

Entity Number: 144078	Applicant's Form Identifier: Yr17 Netbooks
Contact Person: Raquel Zaragoza	Contact Phone Number:

Block 6: Certification and Signature (Continued)

32 ☒ I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.

33 ☒ I certify that I will retain required documents for a period of at least five years (or whatever retention period is required by the rules in effect at the time of this certification) after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.

34 ☒ I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.

35 ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or the entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.

36 ☒ I certify that if any of the Funding Requests on this Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the eligible and ineligible components as required by the Commission's rules at 47 C.F.R. § 54.504(g)(1), (2).

37 ☒ I certify that this funding request does not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years as required by the Commission's rules at 47 C.F.R. § 54.506(c).

38 ☒ I certify that the non-discount portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services featured on this Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

39 Signature of authorized person <input checked="" type="checkbox"/>	40 Date 03/26/2014
---	--------------------

41 Printed name of authorized person

42 Title or position of authorized person

☐ Check here if the consultant in Item 6g is the Authorized Person.

43a Street Address, P.O. Box, or Route Number

City _____

State _____ Zip Code - _____

Entity Number: 144078	Applicant's Form Identifier: Yr17 Netbooks
Contact Person: Raquel Zaragoza	Contact Phone Number:

43b Telephone Number of authorized Person Ext.

43c Fax Number of Authorized Person

43d E-mail Address of authorized Person

Re-enter E-mail Address

43e Name of Authorized Person's Employer

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504(c). The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:
SLD-Form 471
P.O. Box 7026
Lawrence, Kansas 66044-7026

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:
SLD Forms
ATTN: SLD Form 471
3833 Greenway Drive
Lawrence, Kansas 66046
(888) 203-8100

FCC Form 471 - December 2013

Close Print Preview

Previous

EXHIBIT 5

Schools and Libraries Universal Service Description of Services Ordered and Certification Form 471

Estimated Average Burden Hours per Response: 4 hours

This form is designed to help schools and libraries to list the eligible services they have ordered and estimate the annual charges for them so that the Fund Administrator can set aside sufficient support to reimburse providers for services.

Please read instructions before beginning this application. (You can also file online at www.usac.org/sl.)

The instructions include information on the deadlines for filing this application.

Applicant's Form Identifier (Create an identifier for your own reference) Yr17 P1 (2)	Form 471 Application #: 989182 (To be assigned by administrator)
--	--

Block 1: Billed Entity Address and Identifications

1 Name of Billed Entity
CENTRAL UNIFIED SCHOOL DIST

2 Funding Year 2014

3a Entity Number 144078

3b FCC Registration Number 0014422794

4a Street Address, P.O. Box, or Route Number
4605 N POLK AVE

City FRESNO State CA Zip Code 93722-5334

4b Telephone Number

4c Fax Number

5a Type of Application (check only one)

☐ Individual School (individual public or non-public school)

☒ School District (LEA; public or non-public [e.g. diocesan] local district representing multiple schools)

☐ Library (including library system, library outlet/branch or library consortium as defined under LSTA)

☐ Consortium (intermediate service agencies, states, state networks, special consortia of schools and/or libraries)

☐ Statewide application for (enter 2-letter state code)
representing (check all that apply)

☐ All public schools/districts in the state

☐ All non-public schools in the state

☐ All libraries in the state

5b Recipient(s) of Services:

☐ Private ☒ Public ☐ Charter

☐ Tribal ☐ Head Start ☐ State Agency

Entity Number: 144078	Applicant's Form Identifier: Yr17 P1 (2)
Contact Person: Raquel Zaragoza	Contact Phone Number:

Block 1: Billed Entity Address and Identifications (continued)

6a Contact Person's Name
Raquel Zaragoza

If the Contact Person's Street Address is the same as **Item 4** above, check here. ☐ If not, complete Item 6b.

6b Street Address, P.O. Box, or Route Number
NOTE: USAC will use this address to mail correspondence about this form.
4909 Calloway Drive Suite 102

City Bakersfield State CA Zip Code 93312-

Check the box next to your preferred mode of contact and provide your contact information. One box **MUST** be checked and an entry provided.

☐ **6c** Telephone Number

☐ **6d** Fax Number

☒ **6e** E-Mail Address
Re-enter E-mail Address

6f Holiday/vacation/summer contact information: please include name of alternate contact (if applicable) and alternate phone, fax or E-mail address

If a consultant is assisting you with your application process, please complete Item 6g below:

6g Consultant Name Infinity Communications & Consulting
Name of Consultant's Employer Infinity Communications & Consulting
Consultant's Street Address P.O. BOX 999

City Bakersfield State CA Zip Code 93302
Consultant's Telephone Number Ext.
Consultant's Fax Number
Consultant's E-mail Address

Blocks 2 and 3 [Reserved]

Entity Number: 144078

Applicant's Form Identifier: Yr17 P1 (2)

Contact Person: Raquel Zaragoza

Contact Phone Number:

Block 4: Discount Calculation Worksheet

Worksheet - 1727644

Page 1 of 1

The Block 4 worksheet is used to calculate your discount for services. You will complete one or more worksheets depending on the type of application you are filing. If you file more than one worksheet, please number the completed worksheets to assure that they are all processed correctly. Please refer to the instructions for information specific to the Type of Application you indicated in Block 1, Item 5.

☐ Check here if this worksheet contains all eligible entities in the school district or library system.

9a List entities and calculate discount(s):

(For Administrator's Use)

School District or Library System Name:

School District or Library System Entity Number:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Name of Eligible Entity	Entity Number AND NCES Code (for Schools) or FSCS Code (for Libraries)	Urban or Rural U or R	Total Number of Students	Number of Students Eligible for NSLP	Percent of Students Eligible for NSLP (Col. 5 / Col. 4)	Disc. from Disc. Matrix	New Construction	Admin Entity or NIF	Alt Disc Mech	Weighted Product for Calculating Shared Discount (Col. 4 x Col. 7)	Insert appropriate codes(s): P= pre-K, H = Head Start, A = Adult Education, J = Juvenile Justice, E = ESA, D = Dormitory	Entity Number of School District in which Library Outlet/Branch is Located	Discount of Member Entity	Shared Discount
ALL ENTITIES			SCHOOLS AND LIBRARIES							Schools with shared services	Schools	Library Outlet/Branch	Consortia	
DISTRICT OFFICE	16052080	U	0	0	0.000%	80	N	N	N	0				
GLACIER POINT SCHOOL	16065659	U	888	799	89.977%	90	N	N	N	79920				
HOUGHTON-KEARNEY ELEM SCHOOL	107602 06 07970 07669	U	250	188	75.200%	90	N	N	N	22500				
SAROYAN ELEMENTARY SCHOOL	107633 06 07970 03035	U	730	460	63.014%	80	N	N	N	58400				
TEAGUE ELEMENTARY SCHOOL	107636 06 07970 07674	U	863	782	90.614%	90	N	N	N	77670				
MCKINLEY ELEMENTARY SCHOOL	107637 06 09790 09346	U	901	822	91.232%	90	N	N	N	81090				
EL CAPITAN MIDDLE SCHOOL	107638 06 07970 07667	U	647	560	86.553%	90	N	N	N	58230				
STEINBECK ELEMENTARY SCH	107641 06 07970 04485	U	784	715	91.199%	90	N	N	N	70560				
CENTRAL HIGH SCHOOL-E CAMPUS	107642 06 07970 05777	U	4164	3023	72.598%	80	N	N	N	333120				
ROOSEVELT ELEMENTARY SCHOOL	107643 06 07970 07673	U	531	522	98.305%	90	N	N	N	47790				
HERNDON-BARSTOW ELEMENTARY SCH	107644 06 07970 07668	U	586	429	73.208%	80	N	N	N	46880				
BIOLA-PERSHING ELEMENTARY SCH	107645 06 07970 07665	U	266	246	92.481%	90	N	N	N	23940				
PERSHING CONTINUATION HIGH SCH	107646 06 09790 07672	U	160	142	88.750%	90	N	N	N	14400				
LIDDELL ELEMENTARY SCHOOL	205035 06 07970 07499	U	700	305	43.571%	60	N	N	N	42000				
RIO VISTA MIDDLE SCHOOL	230793 06 07970 10494	U	809	409	50.556%	80	N	N	N	64720				
RIVER BLUFF ELEMENTARY SCHOOL	235373 06 07970 10493	U	872	425	48.739%	60	N	N	N	52320				
POLK ELEMENTARY SCHOOL	16031596	U	863	689	79.838%	90	N	N	N	77670				
PATHWAY COMMUNITY DAY SCHOOL	16057280	U	50	45	90.000%	90	N	N	N	4500				
HARVEST ELEMENTARY SCHOOL	16064794	U	657	447	68.037%	80	N	N	N	52560				
MADISON ELEMENTARY SCHOOL	107587 06 07970 09123	U	870	776	89.195%	90	N	N	N	78300				

9b Shared Services

SCHOOL DISTRICTS: (Including groups of schools within school districts.) Calculate the totals of Columns 4 and 11. Divide the total of Column 11 by the total of Column 4. Enter the result in Column 15.	15591									1286570				83%
LIBRARY SYSTEMS: Calculate the total of Column 7. Divide this total by the number of outlets/branches. Enter the result in Column 15.														
CONSORTIA: Calculate the total of Column 14. Divide this total by the number of member entities. Enter the result in Column 15.														

Entity Number: 144078

Applicant's Form Identifier: Yr17 P1 (2)

Contact Person: Raquel Zaragoza

Contact Phone Number:

Block 5: Discount Funding Request(s)

Instructions: Use one Block 5 page for EACH service (Funding Request Number) for which you are requesting discounts. Make as many copies of this page as needed, and number the completed pages to assure that they are all processed correctly.

Block 5, page 1 of 4

FRN 2698999
(to be assigned by administrator)

10 ☐ If this is a duplicate Funding Request (e.g., of an FRN that is not yet approved, under appeal, etc.), check this box and enter the original FRN in the space provided:

11 Category of Service (only ONE category should be checked)

23 Calculations

Recurring A. Monthly charges (total amount per month for service)

PRIORITY 1 <input type="checkbox"/> Telecommunications Service		PRIORITY 2 <input type="checkbox"/> Internal Connections Other than Basic Maintenance	
<input checked="" type="checkbox"/> Internet Access		<input type="checkbox"/> Basic Maintenance of Internal Connections	
12 Form 470 Application Number 566360000891186			
13 SPIN – Service Provider Identification Number 143014134			
14 Service Provider Name Fresno County Superintendent of Schools			
15a <input type="checkbox"/> Check this box if this Funding Request is for non-contracted tariffed or month-to-month services.			
15b Contract Number N/A			
15c <input type="checkbox"/> Check this box if this Funding Request is covered under a master contract (a contract negotiated by a third party, the terms and conditions of which are then made available to an eligible entity that purchases directly from the service provider).			
15d <input checked="" type="checkbox"/> Check this box if this Funding Request is a continuation of an FRN from a previous funding year based on a multi-year contract. If so, provide that FRN here: 2510280			
16a Billing Account Number (e.g., billed telephone number) N/A			
16b <input type="checkbox"/> Check this box if there are multiple Billing Account Numbers and attach a complete list of those numbers to this page.			
17 Allowable Vendor Selection/Contract Date (mm/dd/yyyy) (based on Form 470 filing) 02/15/2011			
18 Contract Award Date (mm/dd/yyyy) 03/14/2011			
19 Service Start Date (mm/dd/yyyy) 07/01/2014			
20a Service End Date (mm/dd/yyyy)			
Contract Expiration Date 20b (mm/dd/yyyy) 06/30/2015			
21 Description of This Service: NOTE: All Item 21 Attachments must be filed before the close of the filing window. Attachment You MUST attach a description of the service, including a breakdown of components, costs, manufacturer name, make and model number. You must include any additional account or telephone numbers if the billed account has multiple numbers. Label the description with an Attachment Number, and note number in space provided. <div style="text-align: right;">1</div>			
22 Entity/Entities Receiving This Service:		a. If the service is site-specific (provided to one site and not shared by others), list the Entity Number of the entity from Block 4 receiving this service:	
		b. If the service is shared by all entities on a Block 4 worksheet, list the worksheet number (e.g., 1): 1727644	

Charges	\$2,385.00
	B. How much of the amount in A is ineligible? \$0.00
	C. Eligible monthly pre-discount amount (A minus B) \$2,385.00
	D. Number of months service provided in funding year 12
	E. Annual pre-discount amount for eligible recurring charges (C x D) \$28,620.00
Non-Recurring Charges	F. Annual non-recurring charges \$0.00
	G. How much of the amount in F is ineligible? \$0.00
	H. Annual eligible pre-discount amount for non-recurring charges (F minus G) \$0.00
	I. Total funding year pre-discount amount (E + H) \$28,620.00
Total Charges	J. Discount from Block 4 Worksheet 83.00
	K. Funding Commitment Request (I x J) \$23,754.60

Entity Number: 144078	Applicant's Form Identifier: Yr17 P1 (2)
Contact Person: Raquel Zaragoza	Contact Phone Number:

Block 5 (Continued):

24 Description of Broadband and other Connectivity Services Ordered for Schools and Libraries from this funding request

Complete the information below for this funding request only if requesting **Telecommunications Services** or **Internet Access** for the purpose of providing broadband and other types of connectivity to school and/or library facilities.

- ☐ Check this box if this request is for services or equipment that do **not** provide broadband or connectivity. For instance, check the box if this funding request is for internal connections, basic maintenance, or requests for services like e-mail or phone service.

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Type of Connection	Number of lines included in this FRN	Download speed per line in Mbps
Fiber optic/OC-x	1	2000

- b** If the Internet service is available to students or patrons in more than just a single location or office, please indicate:

1. If the access is provided by wired connections, approximately what percentage of the school classroom or public library rooms included in the Block 4 worksheet for this FRN will have access to wired drops? 100 %
2. If the access is provided by Wi-Fi connections, approximately what percentage of the school classroom or public library rooms included in the Block 4 worksheet for this FRN will have access to a Wi-Fi signal? 100 %

- c** For consortia and statewide applications, do the connections in this FRN include the last mile connection to the school or library? ☐ Yes ☐ No
If no above, are these connections only for backbone connections? ☐ Yes ☐ No

Entity Number: 144078		Applicant's Form Identifier: Yr17 P1 (2)							
Contact Person: Raquel Zaragoza		Contact Phone Number:							
Block 5: Discount Funding Request(s) Instructions: Use one Block 5 page for EACH service (Funding Request Number) for which you are requesting discounts. Make as many copies of this page as needed, and number the completed pages to assure that they are all processed correctly.		Block 5, page 2 of 4 FRN 2699359 (to be assigned by administrator)							
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12 Form 470 Application Number 730890001228989									
13 SPIN – Service Provider Identification Number 143002655									
14 Service Provider Name Kerman Telephone Company									
15a <input checked="" type="checkbox"/> Check this box if this Funding Request is for non-contracted tariffed or month-to-month services.									
15b Contract Number MTM		Non-Recurring Charges							
15c <input type="checkbox"/> Check this box if this Funding Request is covered under a master contract (a contract negotiated by a third party, the terms and conditions of which are then made available to an eligible entity that purchases directly from the service provider).									
15d <input type="checkbox"/> Check this box if this Funding Request is a continuation of an FRN from a previous funding year based on a multi-year contract. If so, provide that FRN here:									
16a Billing Account Number (e.g., billed telephone number) N/A									
16b <input type="checkbox"/> Check this box if there are multiple Billing Account Numbers and attach a complete list of those numbers to this page.									
17 Allowable Vendor Selection/Contract Date (mm/dd/yyyy) (based on Form 470 filing) 03/24/2014		Total Charges							
18 Contract Award Date (mm/dd/yyyy)									
19 Service Start Date (mm/dd/yyyy) 07/01/2014									
20a Service End Date (mm/dd/yyyy) 06/30/2015									
Contract Expiration Date 20b (mm/dd/yyyy)									
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You MUST attach a description of the service, including a breakdown of components, costs, manufacturer name, make and model number. You must include any additional account or telephone numbers if the billed account has multiple numbers. Label the description with an Attachment Number, and note number in space provided.		Attachment 3							
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Entity Number: 144078	Applicant's Form Identifier: Yr17 P1 (2)
Contact Person: Raquel Zaragoza	Contact Phone Number:

Block 5 (Continued):

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Type of Connection	Number of lines included in this FRN	Download speed per line in Mbps
T1/DS-1	2	1.5

- b** If the Internet service is available to students or patrons in more than just a single location or office, please indicate:

1. If the access is provided by wired connections, approximately what percentage of the school classroom or public library rooms included in the Block 4 worksheet for this FRN will have access to wired drops? 100 %
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Entity Number: 144078		Applicant's Form Identifier: Yr17 P1 (2)	
Contact Person: Raquel Zaragoza		Contact Phone Number:	

Block 5: Discount Funding Request(s)
Instructions: Use one Block 5 page for EACH service (Funding Request Number) for which you are requesting discounts. Make as many copies of this page as needed, and number the completed pages to assure that they are all processed correctly.

Block 5, page 3 of 4

FRN 2699393
(to be assigned by administrator)

10 ☐ If this is a duplicate Funding Request (e.g., of an FRN that is not yet approved, under appeal, etc.), check this box and enter the original FRN in the space provided:

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You MUST attach a description of the service, including a breakdown of components, costs, manufacturer name, make and model number. You must include any additional account or telephone numbers if the billed account has multiple numbers. Label the description with an Attachment Number, and note number in space provided. 2

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Entity Number: 144078	Applicant's Form Identifier: Yr17 P1 (2)
Contact Person: Raquel Zaragoza	Contact Phone Number:

Block 5 (Continued):

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Type of Connection	Number of lines included in this FRN	Download speed per line in Mbps
Cellular Wireless	11	12

- b** If the Internet service is available to students or patrons in more than just a single location or office, please indicate:

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Entity Number: 144078		Applicant's Form Identifier: Yr17 P1 (2)	
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Block 5, page 4 of 4

FRN 2704109
(to be assigned by administrator)

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Contact Person: Raquel Zaragoza	Contact Phone Number:

Block 5 (Continued):

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If no above, are these connections only for backbone connections? ☐ Yes ☐ No

Entity Number: 144078	Applicant's Form Identifier: Yr17 P1 (2)
Contact Person: Raquel Zaragoza	Contact Phone Number:

Block 6: Certifications and Signature

- 25 ☒ I certify that the entities listed in Block 4 of this application are eligible for support because they are: (Check one or both.)

- a** ☒ schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801(18) and (38)**, that do not operate as for-profit businesses and do not have endowments exceeding \$50 million; and/or
- b** ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools, including, but not limited to, elementary, secondary schools, colleges, or universities.

- 26 ☒ I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed on this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

a Total funding year pre-discount amount on this Form 471 (Add the entries from Items 23I on all Block 5 Discount Funding Requests.)	81088.83
b Total funding commitment request amount on this Form 471 (Add the entries from Items 23K on all Block 5 Discount Funding Requests.)	67303.73
c Total applicant non-discount share (Subtract Item 26b from Item 26a.)	13785.1
d Total budgeted amount allocated to resources not eligible for E-rate support	20250000
e Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources necessary to make effective use of the discounts. (Add Items 26c and 26d.)	20263785.1
f <input type="checkbox"/> Check this box if you are receiving any of the funds in Item 26e directly from a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Item 26e.	

- 27 ☒ I certify that, if required by Commission rules, all of the individual schools and libraries receiving services under this form are covered by technology plans that do or will cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body or an SLD-certified technology plan approver prior to the commencement of service.

Or ☐ I certify that no technology plan is required by Commission rules.

- 28 ☒ I certify that (if applicable) I posted my Form 470 and (if applicable) made any related RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology plan goals.

- 29 ☒ I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.

- 30 ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. § 254 will be used primarily for educational purposes and will not be sold, resold or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. §§ 54.500, 54.513. Additionally, I certify that the entity or entities listed on this application have not received anything of value or a promise of anything of value, other than services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.
- 31 ☒ I certify that I and the entity(ies) I represent have complied with all program rules, including recordkeeping requirements, and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts covering all of the services listed on this Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

Entity Number: 144078	Applicant's Form Identifier: Yr17 P1 (2)
Contact Person: Raquel Zaragoza	Contact Phone Number:

Block 6: Certification and Signature (Continued)

32 ☒ I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.

33 ☒ I certify that I will retain required documents for a period of at least five years (or whatever retention period is required by the rules in effect at the time of this certification) after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.

34 ☒ I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.

35 ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or the entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.

36 ☒ I certify that if any of the Funding Requests on this Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the eligible and ineligible components as required by the Commission's rules at 47 C.F.R. § 54.504(g)(1), (2).

37 ☒ I certify that this funding request does not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years as required by the Commission's rules at 47 C.F.R. § 54.506(c).

38 ☒ I certify that the non-discount portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services featured on this Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

39 Signature of authorized person <input checked="" type="checkbox"/>	40 Date 03/26/2014
---	--------------------

41 Printed name of authorized person

42 Title or position of authorized person

☐ Check here if the consultant in Item 6g is the Authorized Person.

43a Street Address, P.O. Box, or Route Number

City _____ State _____ Zip Code _____

Entity Number: 144078	Applicant's Form Identifier: Yr17 P1 (2)
Contact Person: Raquel Zaragoza	Contact Phone Number:

43b Telephone Number of authorized Person Ext.

43c Fax Number of Authorized Person

43d E-mail Address of authorized Person

Re-enter E-mail Address

43e Name of Authorized Person's Employer

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504(c). The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:
SLD-Form 471
P.O. Box 7026
Lawrence, Kansas 66044-7026

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:
SLD Forms
ATTN: SLD Form 471
3833 Greenway Drive
Lawrence, Kansas 66046
(888) 203-8100

FCC Form 471 - December 2013

Close Print Preview

Previous

EXHIBIT 6

Brittany Mosqueda

Subject: RE: Inquiry CENTRAL UNIFIED SCHOOL DIST BEN 144078

From: Mackenzie Howard [<mailto:mhoward@usac.org>]

Sent: Tuesday, July 28, 2015 2:35 PM

To: Fred Brakeman <FBrakeman@infinitycomm.com>; Ombudsman <Ombudsman@usac.org>

Cc: Kelly Porterfield <kporterfield@centralusd.k12.ca.us>; Michelle Hickerson <MHickerson@infinitycomm.com>

Subject: RE: Inquiry CENTRAL UNIFIED SCHOOL DIST BEN 144078

Fred,

Jeff is out on vacation currently. A pdf of your FCDL is attached. Please email the ombudsman address if you have any further concerns.

Thank you,

Mackenzie Howard

(202) 772-4535 (ph)

mhoward@usac.org | www.usac.org

From: Fred Brakeman [<mailto:FBrakeman@infinitycomm.com>]

Sent: Monday, July 27, 2015 3:43 PM

To: Ombudsman

Cc: Kelly Porterfield; Michelle Hickerson

Subject: FW: Inquiry CENTRAL UNIFIED SCHOOL DIST BEN 144078

Importance: High

Jeff,

Can you email me a copy of the FCDL? Haven't received it yet. I had assumed we would receive a hard copy in the mail late last week but it never came.

Fred Brakeman RCDD, CSI, CEMP*

President

Infinity Communications & Consulting, Inc.

4909 Calloway Drive, Suite 102

Bakersfield, California 93312

(661) 716-1840 Office

(661) 716-1841 Fax
(661) 213-6118 Cell
fbrakeman@infinitycomm.com

Board Treasurer - E-rate Management Professionals Assoc (E-mpa)

**Certified E-Rate Management Professional, E-Rate Management Professionals Association, Inc. www.e-mpa.org*

From: Jeff Walsh [<mailto:jwalsh@usac.org>]
Sent: Wednesday, July 22, 2015 12:18 PM
To: Fred Brakeman
Subject: RE: Inquiry CENTRAL UNIFIED SCHOOL DIST BEN 144078

Fred,

FY 2014 Application #989182 was committed in today's FY2014 PIA Wave

Best Regards,

Jeff

Jeff Walsh
Ph: (202) 776-0200
jwalsh@usac.org / www.usac.org

From: Fred Brakeman [<mailto:FBrakeman@infinitycomm.com>]
Sent: Wednesday, July 22, 2015 11:45 AM
To: Jeff Walsh
Subject: Re: Inquiry CENTRAL UNIFIED SCHOOL DIST BEN 144078

Jeff,

Just checked the DRT and see no activity. Can I get an update.

Thanks

Fred

Sent from my iPhone

On Jul 6, 2015, at 8:50 AM, Jeff Walsh <jwalsh@usac.org> wrote:

Fred,

I have not forgotten about your status request. I am current researching the issue. Once I receive that status update for the Central USD funding; I will provide that information to you.

Jeff

Jeff Walsh
Ph: (202) 776-0200
jwalsh@usac.org / www.usac.org

From: Fred Brakeman [<mailto:FBrakeman@infinitycomm.com>]

Sent: Thursday, July 02, 2015 5:16 PM

To: Ombudsman

Cc: Kelly Porterfield; Roehl, Megan; Mel Blackwell; Cherese Grell; Michelle Hickerson; Murray, John (Feinstein); lisa.hone@fcc.gov; Brittany Mosqueda; Corrina Rodriguez

Subject: RE: Inquiry CENTRAL UNIFIED SCHOOL DIST BEN 144078

Jeff,

Haven't heard back from you regarding this matter. Could we get a status update please.

Fred Brakeman RCDD, CSI, CEMP*
President
Infinity Communications & Consulting, Inc.
4909 Calloway Drive, Suite 102
Bakersfield, California 93312
(661) 716-1840 Office
(661) 716-1841 Fax
(661) 213-6118 Cell
fbrakeman@infinitycomm.com

Board Treasurer - E-rate Management Professionals Assoc (E-mpa)

**Certified E-Rate Management Professional, E-Rate Management Professionals Association, Inc. www.e-mpa.org*

From: Fred Brakeman

Sent: Wednesday, June 24, 2015 7:41 AM

To: 'ombudsman@usac.org'

Cc: Kelly Porterfield; Roehl, Megan; Mel Blackwell (mblackwell@usac.org); Cherese Grell; Michelle Hickerson; Murray, John (Feinstein); lisa.hone@fcc.gov; Brittany Mosqueda; Corrina Rodriguez

Subject: FW: Inquiry CENTRAL UNIFIED SCHOOL DIST BEN 144078

David,

We have yet to receive notice if our Year 2014 application for data plans. As you can see below, we were told we would receive notice on May 24th. We have been paying the full cost of this service since last summer and desperately need to get this matter resolved. What can we do on our end to get this matter expedited?

Fred Brakeman RCDD, CSI, CEMP*

President

Infinity Communications & Consulting, Inc.

4909 Calloway Drive, Suite 102

Bakersfield, California 93312

(661) 716-1840 Office

(661) 716-1841 Fax

(661) 213-6118 Cell

fbrakeman@infinitycomm.com

Board Treasurer - E-rate Management Professionals Assoc (E-mpa)

**Certified E-Rate Management Professional, E-Rate Management Professionals Association, Inc. www.e-mpa.org*

From: Fred Brakeman [<mailto:FBrakeman@infinitycomm.com>]

Sent: Wednesday, April 22, 2015 12:14 PM

To: Ombudsman

Cc: Cherese Grell; Corrina Rodriguez; Brittany Mosqueda; Michelle Hickerson

Subject: Status update on Applications 902120, 989182 and 989415

David,

Can I get a status update on Applications 902120, 989182 and 989415. See below:

Billed Entity Number: 144806

Funding Year: 2013

Page 1 of 1

Form 471 Application Number	Applicant Form Identifier	Application Status
902120	Yr16-Tel	Available for Quality Assurance
907263	Yr16-CV	FCDL Issued - 12/18/2014

Billed Entity Number: 144078

Funding Year: 2014

Page 1 of 1

Form 471 Application Number	Applicant Form Identifier	Application Status
954847	Yr17 P1	FCDL Issued - 06/25/2014
989182	Yr17 P1 (2)	Initial Review
989413	Yr17 MVoIP	FCDL Issued - 06/25/2014
989415	Yr17 Netbooks	Initial Review

Fred Brakeman RCDD, CSI, CEMP*
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(661) 213-6118 Cell
fbrakeman@infinitycomm.com

Board Treasurer - E-rate Management Professionals Assoc (E-mpa)

**Certified E-Rate Management Professional*, E-Rate Management Professionals Association, Inc. www.e-mpa.org

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EXHIBIT 7



May 22, 2018

Letter of Appeal
Schools and Libraries Division – Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

Re: Letter of Appeal of the Funding Commitment Decision Letter on FY2014 Central Unified School District

Entity: Central Unified School District
BEN: 144078
Form 471: 989415
FRN: 2699573
Funding Year: 7/1/2014 - 6/30/2015
FCDL Date: March 23, 2018

Attached:

Attachment 1 – LOA
Attachment 2 – Funding Commitment Decision Letter
Attachment 3 – Visio Drawing
Attachment 4 – Central USD PIA Response
Attachment 5 – Emails from Fred Brakeman to USAC
Attachment 6 – Intent to Deny Letter

On behalf of Central Unified School District (Central USD), Infinity Communications and Consulting (Attachment 1, Letter of Agency) hereby submits this appeal regarding the Universal Service Administrative Company (USAC) decision issued in its March 23, 2018 Funding Commitment Decision Letter. (Attachment 2, Funding Commitment Decision Letter.)

USAC found that Central USD's funding requests for data plans and Internet access were duplicative. As described below, however, the data plans did not carry the traffic to the Internet; instead, they carried the traffic to the district's data center, like a local area network would. There, the district ensured compliance with the Children's Internet Protection Act (CIPA). The district then used the 2 Gbps connection to deliver traffic to the Internet. As such, the services requested are not duplicative, under the Commission's rules. Both funding requests should receive funding.

PO BOX 999 • BAKERSFIELD, CA. • 93302
PHONE: 661.716.1840 • FAX: 661.716.1841
WWW.INFINITYCOMM.COM

Background

On March 26, 2014, Central USD filed its 2014 application for E-rate funding. Central applied for funding for data plans for netbooks for its students. In addition, Central USD applied for a 2 Gbps circuit that transported traffic from the district's administrative office to the Internet.

At the time of the 2014 filing, Central Unified School District did not have the local infrastructure in place to accommodate the netbooks through internal connections and a wide area network (WAN). They had not been able to afford a local area network using wireless or wired infrastructure. To provide access to the student population for access to the Internet and to filter those communications, the data plans were used to provide connection to the District's data center only. At no time did this traffic go directly to the Internet. Please see the attached Visio drawing that shows the topography. (Attachment 3 – Visio Drawing).

That is, to ensure the district is CIPA-compliant, the netbooks do not connect to the Internet through the data plans; the traffic is instead directed to the District's office just like any other connected wired or wireless device using a local area network and then a wide area network (WAN) to get the traffic to the Internet access point. The district requested funding for the data plans in FRN 2699573. The data plans carry traffic from the student in the classroom to the District's firewall, where there is then a connection to the Internet. (Attachment 4, Central USD PIA Response.)

Once the traffic arrived at the District's office, it was directed to through the school's router. At that time, the District then used the 2 Gbps circuit to get the traffic to the Internet. FRN 2698999 is for Internet access services to carry the District's traffic from the district to the Internet. This service was provided by the Fresno County Office of Education, the district's Internet access provider.

On September 5, 2014, USAC asked for information regarding the funding requests for wireless services. Central USD promptly responded with an explanation. (See Attachment 4, Central USD PIA Response). After that, Central USD did not receive any questions from USAC, despite repeatedly asking for the status of its funding requests. (See Attachment 5, Emails from Fred Brakeman to USAC).

Finally, on August 17, 2017—more than three years after the application was filed—Central USD received a notice from USAC's reviewers informing Central that FRN 2699573 for mobile data plans would be denied due to FRN 2698999 for the 2 Gbps circuit providing “services that deliver the same functionality to the same population in the same location during the same period of time.” (See Attachment 6, Intent to Deny Letter).

USAC denied the application on March 23, 2018. (See Attachment 2, Funding Commitment Decision Letter). This appeal of that decision is timely filed.

The Two Funding Requests Are Not Duplicative

The two funding requests are not for duplicate services. The FCC's duplicate services rule provides that funding cannot be for services that are duplicative, that is, "services that deliver the same functionality to the same population during the same period of time." See Second Report and Order and Further Notice of Proposed Rulemaking, FCC 03-101 (2003) at paras. 22-24. In this case, USAC may be assuming or mistakenly believe that the data plans carried traffic to the Internet. This is incorrect.

As noted above, Central USD's traffic via the data plans was routed to its District office. There was no wireless infrastructure within the school buildings at the time, so the District used the data plans to transport traffic from the student's device to the District office. There, District filtering software ensured that the access to the Internet was CIPA-compliant. The traffic destined for the Internet was then transported to the Internet from the District Office to the District Internet Service Provider using the 2 Gbps circuit.

To find that these services are "duplicative" would be the same as saying a LAN that carried traffic inside a school building and that then used a WAN carrying traffic between schools to a central administrative office was duplicative of the circuit that then transported the traffic from the central administrative office to the Internet. To the contrary, one service transports the service to a central location (data plans/WAN) and the other service transports the traffic to the Internet. Central USD simply used the data plans in the place of the LAN and WAN services. This network structure is reasonable because the District must filter student access to the Internet under the CIPA requirements.

For a student to use their wireless netbook to get out to the Internet, it takes both services—the data plan to get to the District's data center and the 2 Gbps service to get from the District data center to the Internet. One does not work without the other and neither overlap.

We note that this funding request is from funding year 2014, in which data plans were fully eligible. It is possible that USAC believes it is now denying funding based on the Commission's holding in the E-rate *First Modernization Order*. In that Order, which was adopted after Central USD's request for funding for funding year 2014, the FCC indicated that applicants must demonstrate that data plans are the most cost-effective option to access the Internet. First, USAC cannot apply rules adopted for future funding requests to those funding requests already submitted prior to the adoption of the new rules.¹

¹ See *Bowen v. Georgetown Univ. Hosp.*, 488 U.S. 204, 208 (1988) (holding that an "administrative agency's power to promulgate regulations is limited to the authority delegated by Congress. As a general matter, statutory grants of rulemaking authority will not be understood to

Moreover, even under the more restrictive standard adopted in the *First Modernization Order*, Central USD's funding for its data plans would be eligible for funding. The *First Modernization Order* found that funding for individual data plans would not be cost-effective when "those users can already access the Internet through internal wireless broadband networks on wireless-enabled devices without the help of stand-alone data plans or air cards." *First Modernization Order* at para. 152. As described above, Central USD did not have access to the Internet via wireless-enabled devices.

For the reasons above, we request that the denial of FRN 2699573 be overturned.

We look forward to a prompt resolution to this matter. If additional documentation is required, please do not hesitate to contact our office.

Sincerely,



Brittany Mosqueda
E-Rate Compliance Manager

encompass the power to promulgate retroactive rules unless that power is conveyed by express terms.")

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EXHIBIT 8



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2014-2015

November 09, 2018

Brittany Mosqueda
Infinity Communications and Consulting
PO Box 999
Bakersfield, CA 93302

Re: Applicant Name: CENTRAL UNIFIED SCHOOL DIST
Billed Entity Number: 144078
Form 471 Application Number: 989415
Funding Request Number(s): 2699573
Your Correspondence Dated: May 22, 2018

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2014 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2699573
Decision on Appeal: **Denied**
Explanation:

- The record shows that the above listed funding request number (FRN) was denied because the funding request is duplicative of a current year's FRN. Applicant requested cellular data lines on Form 471 application 989415, FRN 2699573. Applicant also requested 2 Gb LAN connection on FCC Form 471 application 989182, FRN 2698999. USAC received and reviewed your response dated August 23, 2017; however, it did not mitigate the duplicate services violation. Program rules prohibit USAC from funding products/services that deliver the same functionality to the same population in the same location during the same period of time. In your appeal, you did not demonstrate that USAC's decision was incorrect. Consequently, your appeal is denied.

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter.

Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

cc: Kelly Porterfield

Brittany Mosqueda
Infinity Communications and Consulting
PO Box 999
Bakersfield, CA 93302

Billed Entity Number: 144078
Form 471 Application Number: 989415
Form 486 Application Number: